

55. (Original) A polypeptide encoded by a nucleic acid molecule according to claim 53.

REMARKS

In response to the Office's request, applicants attach a complete set of claims herein.

The Office requires restriction of the claims to one of the following inventions:

Group I, claims 1, 10, 17-22, 25-28 and 49-53, drawn to nucleic acid molecules encoding proteins, vectors, and host cells;

Group II, claims 2, 24 and 55, drawn to polypeptides;

Group III, claims 3-4, 29, 44, 46 and 47, drawn to nucleic acid vaccines and methods of use;

Group IV, claims 3, 4, 30 and 45-47, drawn to polypeptide vaccines and methods of use; and

Group V, claim 5, drawn to genetically modified yeast or fungal organisms;

Group VI, claims 6 and 7, drawn to a method of identifying modulating compounds using mutated cells;

Group VII, claim 8, drawn to a method of identifying modulating compounds using proteins;

Group VIII, claim 9, drawn to a method of identifying modulating compounds using promoters attached to reporter proteins;

Group IX, claims 11-16, drawn to modulating compounds and methods of treatment using them;

Group X, claims 23 and 54, drawn to antisense nucleic acids;

Group XI, claims 31-35, drawn to antibodies and methods of treatment using them;

Group XII, claims 36 and 37, drawn to probes and primers;

Group XIII, claim 38, drawn to mammalian, non-human transgenic animals;

Group XIV, claim 39, drawn to a method of identifying compounds causing apoptosis;
and

Group XV, claims 40-43, drawn to apoptotic compounds and methods of treatment
using them.

In response, applicants elect Group I, claims 1, 10, 17-22, 25-28 and 49-53, without
traverse. The Office also requires that applicants further elect a single SEQ ID NO. for
examination. In response, applicants amend claim 1 herein to specify that expression of the
nucleic molecules recited therein is varied by a factor of 5 or more as a result of Bax-induced
cell death. Support for the amendment can be found in the specification at, for example, page 3,
lines 10-20; Example 2 at pages 31-32; and Example 3 at page 32. Applicants respectfully
submit that the SEQ ID NOs. recited in claim 1 as amended all share a common technical
feature, thus complying with PCT Rules 13.1 and 13.2.¹

Early consideration and prompt allowance of the pending claims is respectfully
requested.

Respectfully submitted,

By: Laura A. Donnelly
Laura A. Donnelly
Reg. No. 38,435

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1729
Dated: November 25, 2003

¹ § 13.1 Requirement

The international application shall relate to one invention only or to a group of inventions so linked as to form a
single general inventive concept ("requirement of unity of invention").

§ 13.2 Circumstances in Which the Requirement of Unity of Invention Is to Be Considered Fulfilled
Where a group of inventions is claimed in one and the same international application, the requirement of unity
of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those
inventions involving one or more of the same or corresponding special technical features. The expression
"special technical features" shall mean those technical features that define a contribution which each of the
claimed inventions, considered as a whole, makes over the prior art.